



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding AMACON PROPERTY MANAGEMENT SERVICES INCORPORATED  
and [tenant name suppressed to protect privacy]

## **DIRECT REQUEST DECISION**

Dispute Codes : OPR, MNR

### Introduction

The Hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for rental arrears.

### Issue(s) to be Decided

Is the landlord is entitled to an Order of Possession and a monetary Order for rental arrears pursuant to 55 and 67 of the *Residential Tenancy Act (the Act)*?

### Preliminary Matter

Evidence indicates that the landlord received the Direct Request Proceeding package and submitted signed Proof of Service of the Notice of Direct Request Proceeding declaring that the landlord served an individual with the Notice of Direct Request Proceeding by registered mail on August 16, 2013. The landlord submitted into evidence, the registered mail tracking slip which documented the name of the party served and the address where the registered mail was sent. This tracking slip indicated that the item was addressed to a different individual than the tenant named on the style of cause and a different suite number and street address than indicated in the application.

Sections 88 and 89 of the Act determine the method of service for documents. Applications and hearing packages for dispute resolution are required to be served to the tenant as set out under Section 89(1). The Residential Tenancy Rules of Procedure,

Rule 3.1, also states that the applicant must serve each respondent with a copy of the Application for Dispute Resolution, along with copies of all of the following: a) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch; b) the dispute resolution proceeding information package provided by the Residential Tenancy Branch; c) the details of any monetary claim being made, and d) any other evidence accepted by the Residential Tenancy Branch with the application or that is available to be served.

In this case I find that the landlord's proof of service confirms that the service did not relate to this respondent, as it was not addressed to, nor mailed to, the named respondent. I find it the registered mail slip confirms that it was also not sent to the dispute address shown on the Application. I therefore find that the landlord has not verified proper service of the \*hp to the respondent in compliance with the Act or the Rules of Procedure.

Having found that the landlord has failed to prove adequate service of the Notice of Direct Request Proceeding I have determined that this application must be dismissed with leave to reapply.

Based on the evidence submitted with this application, I find that this matter cannot proceed as a Direct Request determination. Accordingly, I hereby dismiss this application with leave to reapply

### **Conclusion**

The landlord's application is dismissed with leave to reapply as the evidence submitted indicates that a different person was served with the Notice of Hearing addressed to a completely different dispute address than shown in the Style of Cause on the landlord's application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 16, 2013

---

Residential Tenancy Branch

